

PUBLISHED IN THE WICHITA EAGLE ON MAY 4, 2006

ORDINANCE NO. 47-020

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION AND IMPROVEMENT OF A BIKE PATH ALONG INTERSTATE 135, GYPSUM CREEK AND GEORGE WASHINGTON BOULEVARD FROM NORTH OF PAWNEE TO KANSAS TURNPIKE IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for improvement of a bike path along Interstate 135, Gypsum Creek and George Washington Boulevard from North of Pawnee to Kansas Turnpike in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

Reserve A, Second Replat of Part of Pawnee Ranch Addition, Wichita, Sedgwick County, Kansas.

The north 35 feet of Reserve C, and that part of Reserve B, Second Replat of Part of Pawnee Ranch Addition, Wichita, Sedgwick County, Kansas, described as beginning at the intersection of the west line of said Reserve B and a line of 40 feet south of and parallel with the north line thereof; thence easterly a distance of 370.74 feet to a point on the east line of said Reserve B, being 35 feet south of the northeast corner thereof; thence north to said northeast corner; thence west to the northwest corner of said Reserve B; thence southerly along the west line thereof to the point of beginning.

That part of Reserve D, Second Replat of Part of Pawnee Ranch Addition, Wichita, Sedgwick

County, Kansas, lying north of a line described as follows: Beginning at a point on the west line of said Reserve D, being 35 feet south of the northwest corner thereof; thence east parallel with the north line of said Reserve D, 266.28 feet to the P.C. of a curve to the left having a radius of 58 feet; thence northeasterly along said curve, through a central angle of 66°36'14", 67.46 feet to a point on the north line of said Reserve D, being 26.65 feet west of the northeast corner thereof.

That part of Lot 1, Block 14, Replat of Part of Pawnee Ranch, Wichita, Sedgwick County, Kansas, lying outside of the following described line: Beginning at a point on the east line of said Lot 1, being S00°27'52"W, 154.67 feet from the northeast corner thereof; thence N89°32'08"W, 5.00 feet; thence northerly, parallel with said east line, 108.54 feet to the P.C. of a curve to the left having a radius of 45.00 feet; thence northwesterly along said curve, through a central angle of 91°51'40", 72.15 feet to the P.R.C. of a curve to the right having a radius of 320.00 feet; thence westerly along said curve, through a central angle of 17°34'42", 98.18 feet to the P.T. of said curve; thence N73°49'05"W, 128.48 feet to the P.C. of a curve to the right having a radius of 315.00 feet; thence westerly along said curve, through a central angle of 8V41'39", 47.80 feet to the P.T. of said curve; thence N65°07'02"W, 33.04 feet to the P.C. of a curve to the left having a radius of 295.00 feet; thence westerly along said curve, through a central angle of 9°06'16", 46.88 feet to the P.T. of said curve; thence N74°13'42"W, 51.45 feet to the P.C. of a curve to the left having a radius of 95.00 feet; thence westerly along said curve, through a central angle of 55°42'38", 92.37 feet the P.T. of said curve; thence S50°03'40"W, 29.90 feet to the P.C. of a curve to the left having a radius of 95.00 feet; thence southerly along said curve; thence through a central angle of 48°06'03", 79.75 feet to the P.T. of said curve; thence S01°57'37"W, 29.90 feet to the P.C. of a curve to the left having a radius of 95.00 feet; thence southerly along said curve, through a central angle of 15°32'28", 25.77 feet to the P.C. of said curve; thence S13°34'51"E, 51.82 feet to the P.C. of a curve to the left having a radius of 195.00 feet; thence southeasterly along said curve, through a central angle of 30°47'01", 104.77 feet to the P.T. of said curve; thence S44°21'52"E, 76.32 feet to the P.C. of a curve to the right having a radius of 60.00 feet; thence southerly along said curve, through a central angle of 48°11'23", 50.46 feet to a point on the northeasterly line of Reserve F, Second Replat of Part of Pawnee Ranch Addition, Wichita, Sedgwick County, Kansas, being 28.16 feet northwesterly from the southeast corner of said Reserve F.

Lot 2, Block 14, Replat of Part of Pawnee Ranch, Wichita, Sedgwick Ocutny, Kansas.

That part of Lot 19, Block J, Planeview Subdivision No. 1, Wichita, Sedgwick County, Kansas, described as beginning at the southern-most corner thereof; thence N20°02'35"W along the westerly line of said Lot 19, 13.24 feet; thence N49°17'29"E, 8.25 feet to point on the easterly

line of said Lot 19, being 17.90 feet from the southern-most corner thereof; thence S05°30'11"E to the point of beginning.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 2nd day of, May, 2006.

CITY OF WICHITA

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law